

Remarks

Please amend independent claim 1 as shown on the attached listing of the claims. Support for the amendment to claim 1 may be found, for example, in claim 4 as originally filed. Please cancel claims 4 and 10. Please also amend claims 5, 6, 8 and 9 as shown to correct for previous dependency to newly-canceled claim 4. In addition, please amend claim 14 as shown. Support for the amendment to claim 14 may be found, for example, in claims 19 and 20 as originally filed. Please cancel claims 19 and 20 and please amend claims 21, 22 and 25 as shown to correct for former dependency as originally filed from claims 19 and 20. Finally, please cancel claims 11-13. No new claims are added by this paper. Therefore, as of this paper, claims 1-3, 5-9, 14-18 and 21-26 are pending in the application and presented for Examiner Tentoni's consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and following remarks is respectfully requested.

By way of section 1 of the Office Action mailed January 20, 2006, the previous rejection under 35 U.S.C. §102(e) over Ferencz et al. U.S. Pat. No. 6,797,101 ("Ferencz et al.") was withdrawn with respect to claims 1-10 and 14-26.

By way of sections 2-4 of the Office Action mailed January 20, 2006, the instant application was provisionally rejected for alleged non-statutory obviousness-type double patenting over two co-pending patent applications, USSN 10/325,140 and USSN 10/694,420, both assigned to the assignee of the instant application. Because all three applications are pending and no claim scope has been determined for any of the three applications involved, Applicants respectfully request that these provisional rejections be held in abeyance with respect to the present application until such time as the presence of allowable subject matter is indicated.

By way of sections 5-6 of the Office Action mailed January 20, 2006, claims 11-13 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Ferencz et al.

Applicants request cancellation of claims 11-13 herewith, as noted above. Due to the cancellation of claims 11-13, Applicants submit this rejection is now moot.

By way of section 7 of the Office Action mailed January 20, 2006, claims 1-26 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Weng et al. U.S. Pat. No. 6,797,101 (hereinafter "Weng et al.") or GB 1,244,753 (hereinafter "GB '753"). This rejection is respectfully **traversed** to the extent applicable to the currently pending claims.

The invention as claimed in independent claim 1 is directed to a method of making a nonwoven web, the method including the steps of providing a source of fibers, subjecting the fibers to an electrostatic charge, deflecting the fibers with a non-contacting deflecting device, the non-contact deflecting device comprising an air jet deflector providing discrete jets of air; and collecting the fibers on a moving forming surface to form the nonwoven web. The invention as claimed in independent claim 14 is directed to apparatus for forming a fibrous nonwoven web, the apparatus including a source of fibers, a device for applying an electrostatic charge to the fibers, a non-contacting fiber deflecting device adapted to affect the fibers while the fibers are under the influence of the applied electrostatic charge, the non-contact deflecting device comprising an air jet deflector for providing discrete jets of air, and a forming surface for collecting the fibers as a fibrous nonwoven web.

Turning to the Weng et al. and GB '753 references, it was stated in the Office Action that these disclose a process of and apparatus for nonwoven web production including the "use of a non-contacting deflecting device (e.g., air knife, electrostatic charge) as set forth in the instant claims". No further discussion of any claims was provided in the Office Action.

Applicants respectfully submit that neither cited reference anticipates their invention as presently claimed in amended claims 1 and 14. As a specific example, neither Weng et al. nor GB '753 appear to teach the use of an air jet deflector having discrete jets of air, as is required by the currently amended claims. The air jet deflectors providing discrete jets of air are discussed in the Applicants' specification on pages 3 and 4, and more particularly or in more detail the air jet deflectors providing discrete jets of air are described in the specification with regard to Figures 3, 4A and 4B beginning on page 14 line 6 through page

15 line 23. Therefore, Applicants respectfully submit that the disclosures of Weng et al. and GB '753 both fail to anticipate their invention as currently claimed in independent claims 1 and 14, and further respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn.

Furthermore, with respect to their dependent claims, Applicants also respectfully submit that for at least the reasons indicated above relating to the corresponding independent claims, the pending dependent claims patentably define over the Weng et al. and GB '753 references cited. However, Applicants also note that the patentability of the dependent claims does not hinge on the patentability of independent claims. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims. As a specific example, the references do not appear to disclose the feature of the air jet deflector providing discrete jets or air, wherein the discrete jets of air are perturbed, such as required by claim 5. Nor, for example, do the references appear to disclose the feature wherein the air jet deflector is a target electrode for the charged pin array providing the electrostatic charge, as in claims 6, 21, 22. Nor, for example, do the references appear to disclose the feature wherein the discrete air jets are angled with respect to the machine direction at an angle of about 15 degrees to about 60 degrees, as in claim 8. Nor, for example, do the references appear to disclose the feature wherein the charged pin array for providing the electrostatic charge is located upon one non-contacting deflection device, as in claim 26.

For at least these reasons set forth above, because neither the Weng et al. reference nor the GB '753 reference has been shown to disclose all of the parameters or requirements of Applicants' independent claims 1 and 14 as presented, Applicants respectfully submit that the rejection of claims 1-26 (only claims 1-3, 5-9, 14-18 and 21-26 remaining after the above-requested claims cancellations) under 35 U.S.C. §102(b) over Weng et al. and GB '753 should be withdrawn. Applicants respectfully submit that the application is now in condition for allowance and favorable action thereon is respectfully requested. The Examiner is encouraged to call the undersigned at his convenience if any unresolved issues should be believed to remain.

Appl. No. 10/687,006
Reply dated June 20, 2006
Reply to Office Action of January 20, 2006

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,
THOMAS W. BROCK ET AL.

By: /Robert A. Ambrose/
Robert A. Ambrose
Registration No.: 51,231

CERTIFICATE OF TRANSMISSION

I, Robert A. Ambrose, hereby certify that on June 20, 2006, this document is being transmitted to the United States Patent and Trademark Office Electronic Filing System EFS-Web.

By: /Robert A. Ambrose/
Robert A. Ambrose